



Montana Gray Wolf Relisted Frequently Asked Questions

August 5, 2010

Q. What is the legal status of wolves in Montana?

A U.S. Federal District Court formally reinstated federal Endangered Species Act protections for wolves throughout the Northern Rocky Mountain region on August 5, 2010. Federal law once again guides the actions of private citizens and wolf management by Montana Fish, Wildlife & Parks (FWP).

Wolves were officially delisted in Montana on May 9, 2009. The federal delisting decision was challenged in federal court by a coalition of groups in an effort to reverse the decision. Montana intervened in the lawsuit to support federal delisting efforts and to represent Montana's interests to manage wolves along with Montana's other wildlife.

Wolves across northern Montana are now legally reclassified as federally endangered. Wolves across southern Montana are reclassified as experimental, non-essential. Different federal regulations apply to each area. Refer to the additional information and map below.

Q. Why was the wolf relisted and what was the basis of the ruling?

The Court ruled that the federal Endangered Species Act does not allow the federal government to subdivide a distinct population segment so that a species is listed in part of it and delisted in the other part. The ruling stated that the wolf must either be listed or delisted as one unit within the Northern Rockies region. Further, given that the current Wyoming wolf management plan and regulatory mechanisms are not approved by the federal government and are considered inadequate, federal protections must be reinstated throughout region.

However, Montana argued that a species can have different protections for populations of a species in different places based on the legislative history of the Endangered Species Act, the recovered status of the wolf population, and the adequacy of Montana's state plan and laws. Other interveners presented additional legal arguments in an effort to uphold the federal delisting decision.

Q. What does this mean for Montana?

FWP will retain the authority to manage wolves according to the federal regulations while federal and state efforts to delist wolves resume. An interagency cooperative agreement with the U.S. Fish and Wildlife Service (USFWS) grants authority to FWP to implement as much of Montana's plan as allowed by federal regulations.

FWP will continue to be the lead agency for wolf monitoring, addressing wolf-livestock conflicts, public outreach, and research. Federal funding to support FWP's work will continue for another year. Montana's Indian Tribes will continue to lead wolf conservation and management efforts on their respective reservations.

USDA Wildlife Services will continue to investigate injured and dead livestock suspected to be wolf related and assist with both non-lethal and lethal control efforts. The Montana Livestock Loss Reduction and Mitigation Program will continue to process claims for confirmed and probable livestock death losses due to wolves.



Q. What happens next?

The federal government, Montana and others are examining the ruling to determine what options remain open, legal and otherwise. The FWP Commission strongly urged FWP to consider an appeal to the 9th Circuit Court as soon as possible and to aggressively seek on-the-ground management options with the U.S. Fish and Wildlife Service. As a practical matter, FWP and the FWP Commission continue to believe it is timely and appropriate to conserve and manage wolves as resident wildlife under full state authority and will work to accomplish that goal.

Q. What is the role of the U.S. Fish and Wildlife Service at this time?

The U.S. Fish and Wildlife Service delegated its authority for wolves in Montana to FWP through an interagency cooperative agreement. The federal government is not involved in the day-to-day management of wolves in Montana. However, it does retain oversight authority to assure that FWP is implementing the federal regulations lawfully and that the approved Montana wolf management plan and state laws remain adequate and do not warrant review and reconsideration of their adequacy.

The USFWS also bears the responsibility to resume efforts to delist the gray wolf and transfer full legal authority to conserve and manage the species to respective states and Tribes according to the respective state and Tribal laws and regulations.

Montana is required to monitor the wolf population to determine the minimum number of wolves and breeding pairs. Annually, FWP must report the status of the wolf population and other wolf conservation and management activities to the USFWS.

Q. What about the 2010 Montana wolf hunting season?

Because the federal court ruling reinstated Endangered Species Act protections for wolves throughout the northern Rockies, the 2010 Montana wolf hunting season is canceled. A general wolf hunting season is prohibited by federal law.

Q. What can livestock producers do to protect their livestock? What do the federal regulations allow FWP to do?

Across northern Montana where wolves are classified as endangered, federal regulations require agency management decisions to be more conservative. FWP can authorize lethal control after USDA Wildlife Services has confirmed a wolf-related loss. However, FWP cannot issue kill permits to private citizens after confirmed livestock losses. Livestock owners themselves are not allowed to haze or harass wolves or kill wolves seen attacking livestock or domestic dogs. Citizens are urged to call FWP or USDA Wildlife Services to report wolf-livestock conflicts.

Across southern Montana where wolves are classified as experimental, agency management decisions are guided by the federal 10j regulations. FWP can authorize lethal control after USDA Wildlife Services has confirmed a wolf-related livestock loss. FWP can also issue kill permits to private citizens after confirmed livestock losses. Livestock owners, their immediate family members, or their employees can haze or harass wolves or kill wolves seen actively chasing, molesting, or harassing livestock, herding or guarding animals, or domestic dogs on public or private lands. Private land includes all non-federal lands – fee title, state or county lands, and lands within Tribal Reservations.

The incident must be reported to FWP within 24 hours. If a wolf is killed in the act of chasing or attacking livestock, USFWS law enforcement may also investigate.



Q. How do the federal regulations define livestock?

Federal regulations define livestock as: cattle, sheep, horses, mules, goats, domestic bison, and herding and guarding animals (llamas, donkeys, and certain breeds of dogs commonly used for herding or guarding livestock).

Q. What about wolves and human safety?

Wolves rarely pose a direct threat to human safety. Risk factors are primarily related to habituation (loss of fear), food conditioning, or domestic dogs. If you have a close encounter with a wolf or wolves, do not run. Maintain eye contact. Act aggressively, make noise while retreating slowly. If the wolf does not retreat, continue acting aggressively by yelling or throwing objects. Carry and know how to use bear pepper spray. Use firearms if necessary.

Federal regulations allow anyone to kill a wolf in self defense or defense of others. The incident must be reported to FWP within 24 hours. USFWS law enforcement may also investigate.

Q. How can I stay informed about the latest developments?

Visit FWP online at <http://fwp.mt.gov/wolf> to:

- read the Montana Wolf Weekly Report
- read the executive summary or full 2009 Montana wolf program annual report
- report wolves and wolf sign that helps FWP monitor the wolf population
- learn more about wolves, their management, and the federal regulations
- contact FWP Wolf Program staff for more information

